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time that indisputable evidence of the existence of human beings is found there is evidence that human life was distinctly social life. The facts given by Professor Osborn indicate a surprising density of population in certain areas in Palaeolithic times. Because many relics have been found in caverns the misleading term "cave dwellers" has been applied to people of that period. But professor Osborn points out that, strictly speaking, there was no cave life. The people lived in the open, resorting only occasionally to the caves. "The deep caverns were probably penetrated only by artists and possibly also by magicians or priests." The relics of prehistoric man found scattered through Europe should not be regarded as ancestral to the present people. As a rule they represent aberrant types, or extinct species. Europe is a terminal region in which from age to age many waves of biological invasion have spent themselves. The evolution of the individual human being has been an incident of a struggle between different societies with their characteristic institutions, that has been going on for innumerable milleniums.

HENRY JONES FORD.

*The Collected Papers of John Westlake on Public International Law.* Edited by L. OPPENHEIM, M.A., LL.D. (Cambridge University Press. 1914. Pp. xxx, 706.)

This collection of papers arose out of a design originally entertained after Professor Westlake's death of publishing a second edition of the *Chapters on International Law*, which appeared in 1894. It was a happy inspiration that led the editor and publishers to embody therein the most interesting and important of the eminent author's smaller contributions to his favorite subject. For lack of space it was unfortunately found impossible to include the French papers, which for the most part appeared in the *Révue de Droit International et de Législation Comparée*. A complete bibliography of Westlake's writings is given in the appendix on pp. 678 ff.

The *Chapters* are reprinted as Part I of the *Collected Papers*. It is perhaps unnecessary to review this part of the book, inasmuch as they are well known to students of international law and many of the ideas contained in them have obtained a still greater currency through their incorporation into the author's later work on *International Law*. Especially valuable and important are the historical sections and the chapters on "India" and "War."

In view of Germany's conduct of the present war, it is of particular interest to read Westlake's comments (pp. 246 ff) upon Professor Lueder's distinction between *Kriegsmanier* (ordinary rules of war) and *Kriegsraison* (what is exceptionally permitted). Professor Westlake was undoubtedly justified in his criticism, but hardly in his surmise that "it need not be greatly feared that Professor Lueder's own government will ever give effect to his doctrine by ordering the devastation of a whole region as an act of terrorism." German commanders evidently do not merely indulge in speculative play with strange theories of frightfulness, they actually practice them.

In the final section dealing with "Improvement of the Laws of War" (pp. 274 ff), Westlake's words become almost prophetic. After calling attention to the remarkable development of the sentiment of pity and of an enthusiasm for humanity during the nineteenth century, he remarks:

"And now there are ominous signs that pity, as an operative force in the mitigation of war, has nearly reached its limit . . . . Theoretical writers have been found to preach what at one time they had been unanimous in denouncing, the devastation of whole tracts of country from sheer terror, or in vengeance for stubborn resistance by the enemy. And the bombardment of undefended coast towns has been advocated by professional sailors . . . . The pity which is effectual to work great changes is that which, in running at once through millions of men, is intensified by the enthusiasm which masses engender. But pity for suffering in war is liable in democratic times to encounter other feelings of equal extent and opposite tendency, the consciousness that the war in which the nation is engaged has been willed by it, and the national determination to triumph at any cost. . . . The plea of necessity, even when justified, has a dangerous tendency to corrupt and degrade those who urge it; and when it has sapped the foundations of one fence, no other fence into the construction of which it has been introduced can be greatly relied on."

Part II contains twenty-two miscellaneous papers naturally varying greatly in interest and importance.

From the standpoint of the present war at least, the most interesting are those dealing with "Commercial Blockade," "Contraband of War," "Continuous Voyage," "Reprisals," "Belligerent Rights at Sea," "The Declaration of London," etc.

The papers in "The Venezuelan Boundary Question" and "The Transvaal War" have considerable historic interest.

The paper on "Commercial Blockade" contains some strong arguments in favor of the abolition of commercial blockades. It was published in 1862 and inspired by a sense of the fearful suffering to which England was subjected by Lincoln's blockade of the southern ports during our Civil War. It may be considered doubtful whether were he still living the author would approve of the same arguments if used in behalf of Germany against the present British orders in council.

We may on the other hand feel reasonably certain that he would still employ the same argument which he urged in 1870 against a certain memorandum presented by Count Bernstorff to Earl Granville in favor of the view that the British government should prohibit the export of contraband to France.

As regards the doctrine of continuous voyage, Westlake was in agreement with the principle later adapted by the London Naval Conference of 1909 that it does not apply to a breach of blockade. In general it may be said that he was not an extreme advocate of belligerent rights at sea, but that he was a warm, if discriminating, supporter of the Declaration of London and the work of the Hague Conferences.

Though not strictly within the scope of a review of these papers, the reviewer should like to call special attention to the article on "International Arbitration" printed as an appendix to the first volume of Westlake's *International Law* and to the author's views on "The Theory of Neutrality" as contained on pp. 161 ff. of the second volume.

It would be well for all peace advocates seriously to study and ponder over the article on "International Arbitration." It includes some of the clearest and most weighty statements pointing out the political limits to arbitration to be found anywhere in the literature of the subject.

At a time when many Americans seem to look upon the status of neutrality as desirable or praiseworthy in itself, it is perhaps not out of place to note that Westlake was not a warm advocate of neutrality. In this respect he was a true follower of Grotius, who believed it to be "the duty of neutrals to do nothing which may strengthen the side which has the worse cause, or which may impede the motions of him who is carrying on a just war."

Westlake says: "There is no general duty of maintaining the condition of neutrality. On the contrary, the general duty of every member of a society is to promote justice within and peace only on the footing of justice, such being the peace which alone is of much value or likely to be durable. Thus in a state, the man would be a bad citizen who

allowed a crime to be committed before his eyes without doing his best to prevent it, or who refused to assist the magistrates in punishing crime, and in the society of states the action of all the members in upholding its laws is the more required since an organized government is wanting . . . . We may sum up by saying that neutrality is not morally justifiable unless intervention in the war is unlikely to promote justice, or could do so only at a ruinous cost to the neutral."

Westlake was a believer in a *society of states*, the members of which are interdependent as well as sovereign or independent.

In evaluating the worth of Professor Westlake's contributions to International Law, the reviewer finds himself in hearty agreement with the estimate of the editor of these papers, Professor Oppenheim (pp. viii f): "Westlake was a most profound jurist and thinker, with a very wide range of interests. Generations to come will appreciate his works. International Law is to a great extent the product of the nineteenth century, and Westlake has assisted much in developing and shaping it. It was characteristic of him that he never evaded difficult problems, but sought them out, faced them, and, so to say, wrestled with them. It is for this reason that almost every page of his work is of importance; every writer on questions of International Law must take account of the opinion of Westlake on the subject concerned. As an authority, he was recognized all over the world, and his counsel was frequently sought by the British and by foreign governments."

A. S. HERSHEY.

*Empire and Armament. The Evolution of American Imperialism and the Problem of National Defense.* By JENNINGS C. WISE. (New York: G. P. Putnam's Sons. 1915. Pp. 353.)

The historical portions of this book are disappointing; but the volume as a whole is well worth reading. It is timely and popular rather than scholarly. At times it is inaccurate with reference to matters of common knowledge, as when, for example, the author declares on page 22 that the "Articles of Confederation went into effect in July, 1778." It is frequently extreme in its interpretation of America's dealings with foreign nations. as when, on page 184, it intimates that Americans have uniformly displayed "utter contempt for the international rights of other nations." "Invariably," it declares, "whenever the occasion has made it possible, the old spirit of aggression had manifested itself." And it consistently follows the logic of these words by so representing each step in our national expansion as to make it appear that we were